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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 JESSICA FUQUA, and all others  
8 similarly situated,

9 Plaintiff,

10 vs.

11 ASSOCIATED CREDIT SERVICE,  
INC., a Washington Corporation,  
12 PAUL J. WASSON AND JANE DOE  
WASSON, husband and wife,  
13

NO. 17-CV-00324-SMJ

DEFENDANT'S OBJECTION AND  
RESPONSE TO PLAINTIFF'S  
MOTION FOR ECONSIDERATION.

14 The Defendants object to the Plaintiff's Motion for Reconsideration and in  
15 response submits the following:

16 In the Ninth Circuit, a motion for reconsideration under Rule 59(e) must  
17 accomplish two goals. First, it must demonstrate some reason that the court should  
18 reconsider its prior decision. Second, a motion for reconsideration must set forth facts  
19 or law of a strongly convincing nature to induce the court to reverse its prior decision.

20 See White v. Sabatino, 424 F. Supp. 2d 1271, 1274 (D. Haw. 2006). Courts have  
21 established three grounds justifying reconsideration under Rule 59(e): (1) an  
22 intervening change in controlling law; (2) the availability of new evidence; and (3) the  
23

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25 DEFENDANTS OBJECTION AND  
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MOTION FOR ECONSIDERATION - 1

1 need to correct clear error or prevent manifest injustice. Mustafa v. Clark County Sch.  
2 Dist., 157 F.3d 1169, 1178-79 (9th Cir. 1998).

3 As in this case the plaintiff's mere disagreement with the court does not justify  
4 reconsideration. Hele Ku KB, LLC v. BAC Home Loans Serv., LP, 2012 WL 1987165,  
5 \*19 (D. Haw. May 31, 2012); The plaintiff simply argues clear error pointing to no  
6 change in controlling law or new evidence.

7 The plaintiff not clearly identifying under which rule the motion for  
8 reconsideration was brought, Rule 60(b)(6) however allows the court to relieve a party  
9 from a final judgment for any reason that justifies relief. Rule 60(b)(6) "is to be used  
10 sparingly as an equitable remedy to prevent manifest injustice and is to be utilized only  
11 where extraordinary circumstances" exist. Harvest v. Castro, 531 F.3d 737, 749 (9th  
12 Cir. 2008). Here the plaintiff cites to no extraordinary circumstances and reargues the  
13 same boilerplate law previously argued.

14 Rule 60 reconsideration is generally only appropriate in three instances: (1)  
15 when there has been an intervening change of controlling law; (2) new evidence has  
16 come to light; or (3) when necessary to correct a clear error or prevent manifest  
17 injustice. School District No. 1J v. ACandS, Inc., 5 F.3d 1255, 1262 (9th Cir. 1993).  
18 The plaintiff has failed on all three grounds. The plaintiff's counsel simply relies on his  
19 own declaration to bolster his motion.  
20

21 Like motions brought under Rule 59(e), Rule 60(b) motions are committed to the  
22 discretion of the trial court. Barber v. Hawai'i, 42 F.3d 1185, 1198 (9th Cir. 1994). Here  
23 the court has previously analyzed the party's motions and responses. The plaintiff has  
24

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1 raised no new argument for clear error and as such it is respectfully requested that the  
2 plaintiff's Motion for reconsideration be denied.

3 Dated: June 8, 2018

4 LAW OFFICE OF  
5 J. GREGORY LOCKWOOD, PLLC

6 /s/ J. Gregory Lockwood  
7 J. GREGORY LOCKWOOD,  
8 WSBA 20629  
9 Attorney for Defendants

10 CERTIFICATE OF SERVICE

11 I, LORRIE HODGSON, hereby certify that on June 8, 2018, I electronically filed  
12 the foregoing with the Clerk of the Court using the CM/ECF System which will send  
13 notification of such filing to the following: Kirk D. Miller, and I hereby certify that I have  
14 mailed by United States Postal Service the document to the following non-CM/ECF  
15 participants: none.

16 /s/ Lorrie Hodgson  
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25 DEFENDANTS OBJECTION AND  
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MOTION FOR ECONSIDERATION - 3